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Security Council

Sixty-eighth year

Provisional

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Wednesday, 30 January 2013, 10 a.m.
New York

President:	Mr. Masood Khan	(Pakistan)
Members:	Argentina	Mrs. Perceval
	Australia	Mr. Quinlan
	Azerbaijan	Mr. Mehdiyev
	China	Ms. Guo Xiaomei
	France	Mr. Araud
	Guatemala	Mr. Rosenthal
	Luxembourg	Ms. Lucas
	Morocco	Mr. Loulichki
	Republic of Korea	Mr. Kim Sook
	Russian Federation	Mr. Pankin
	Rwanda	Mr. Nduhungirehe
	Togo	Mr. Menan
	United Kingdom of Great Britain and Northern Ireland	Mr. Parham
	United States of America	Mrs. DiCarlo

Agenda

The promotion and strengthening of the rule of law in the maintenance of international peace and security

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

The promotion and strengthening of the rule of law in the maintenance of international peace and security

The President: The Security Council will now begin its consideration of the item on its agenda.

I welcome the presence of the Deputy Secretary-General, His Excellency Mr. Jan Eliasson, and I give him the floor.

The Deputy Secretary-General: I thank the Security Council for its consideration of the effectiveness of United Nations support to the promotion of the rule of law in conflict and post-conflict situations.

In January last year, the Council requested the Secretary-General to submit a report on this subject. Since that request, we have been working hard to analyse and improve our institutional arrangements in order to maximize the impact of our work on the ground. Today, I will provide an interim briefing on our efforts. We will report fully to the Council in June, once we have better assessed the results of our efforts.

The General Assembly's historic — and I intentionally use the word "historic" — High-level Meeting on the Rule of Law at the National and International Levels in September 2012 recognized the Security Council's positive contributions in this field. Eighteen of 23 Security Council missions include rule of law activities in their mandates. The Meeting's Declaration (General Assembly resolution 67/1) also emphasized that the rule of law provides keys to conflict prevention, peacekeeping, conflict resolution and peacebuilding. Indeed, delivering justice and security through the rule of law mitigates conflict and helps reduce the risk of relapse into further conflict. The Declaration also requested the Secretary-General to ensure greater coordination and coherence among United Nations entities and with Member States to improve the effectiveness of our rule of law efforts.

In his 2011 report to the Council (S/2011/634), the Secretary-General acknowledged the need for stronger policy coherence to achieve real changes and results on the ground. At that time, roles and responsibilities were not clearly delineated, and there was no single lead guiding the United Nations system in this work. After internal consultations, the Secretary-General made a decision in September to realign our institutional response to the challenges we face in supporting the rule of law in conflict and post-conflict States.

At the field level, the Secretary-General enhanced United Nations field leadership, making leaders responsible and accountable for guiding United Nations rule of law strategies, addressing local challenges, and coordinating United Nations country support on the rule of law. At the same time, United Nations agencies in the field continue to be responsible for carrying out programmes in their respective areas of expertise.

At Headquarters, the Secretary-General designated the Department of Peacekeeping Operations (DPKO) and the United Nations Development Programme (UNDP) as the joint global focal point for the police, justice and corrections areas in post-conflict and other crisis situations in order to support field leadership in carrying out its responsibilities. The aim is to link all relevant United Nations entities and coordinate our support to the field.

At the strategic level, the Secretary-General strengthened the role of the Rule of Law Coordination and Resource Group, which I have the honour to chair. The Group aims to ensure that the United Nations can foresee and address emerging opportunities and mobilize our partners in response. We plan later this year to assess the impact of these institutional arrangements. I have confidence that they are appropriate and useful.

At the same time, we have to acknowledge that evaluating the impact of our work is not easy. This is especially true in complex environments where it can take a long time to see real change and the effects of our actions. For instance, justice and security sector reform may not be linear; in some cases, progress can be very uneven. Rule of law work also demands a holistic approach that links justice, security and development and that aims to reach vulnerable groups in society. All these processes are difficult to measure. While there has been significant progress in measuring impact in many sectors, rule of law measures continue to lack the benefit of systematically collected and analysed information with which to measure the impact.

Even where we can measure tangible progress, it is difficult to attribute it to a particular entity's assistance. We need baseline data to understand the context, define the objectives and measure progress. All rule

of law initiatives should, in my view, be subjected to such analysis. We are working hard to ensure that this happens. In Malawi, for example, information from the UNDP-supported justice baseline study was used to shape the Government's democratic governance reform strategy. In Bosnia and Herzegovina, UNDP-led public surveys have played a role in the development of a national transitional justice strategy.

The improved availability and quality of national rule of law data would assist us in evaluating the impact of our work. Such data support national policymaking and enable an informed public to hold Governments accountable. That is very important, in my view. Data gathering should, however, clearly not be seen as an exercise in ranking countries. It is, rather, a tool for Governments to set their own priorities and, where needed, galvanize international support. National ownership is an aspect of the work of the rule of law.

I encourage Governments to make pledges to support these data collection efforts in conflict and post-conflict States. Such pledges would build on those made at the General Assembly High-level Meeting of 24 September, which generated more than 400 pledges to strengthen the rule of law. This is a very encouraging sign of the interest taken in this new and growing momentum on the rule of law. Better data will help us tobetter plan and prioritize so that we can optimize resources, carry out more accurate assessments and mitigate risks.

The United Nations has developed a number of tools to help States advance the rule of law. Let me, again, offer some concrete examples. DPKO and the Office of the High Commissioner for Human Rights have developed the United Nations Rule of Law Indicators Project, which allows Governments to gather information on law enforcement and justice and prison systems, and measure their transformation over time. This tool is now being used by the Governments of Haiti, Liberia and South Sudan. Next year, UNDP will also publish a user's guide to measuring rule of law, justice and security programmes. As we continue to enhance our ability to measure the impact of the United Nations work, there is increasing evidence that our efforts are indeed delivering results.

Here in the Security Council, I am gratified to note that in Côte d'Ivoire, the United Nations peacekeeping operation has supported the Ministry of Justice in reopening 17 courts and 22 prisons, which is a very concrete and substantial result. In Haiti, the United Nations Stabilization Mission in Haiti has supported the start-up of 18 legal aid offices. In Serbia, the Office of the United Nations High Commissioner for Refugees worked with the Government and local non-governmental organizations to help prevent marginalized individuals from becoming stateless, providing more than 20,000 Roma with official documents. More than 250 persons have been indicted by the ad hoc international criminal tribunals for war crimes, crimes against humanity or genocide, and more than 120 have been convicted to date. These initiatives have shown results in helping to deliver justice while setting societies on course for lasting stability.

In closing, let me reaffirm that there can be no peace without development, no development without peace, and neither without full respect for human rights and the rule of law. The focus of the Security Council on the rule of law in conflict and post-conflict situations underlines and strengthens this important relationship. Together with the Secretary-General, I deeply appreciate the Council's in-depth consideration of the rule of law, and look forward to its continued engagement.

The President: I thank the Deputy Secretary-General for his statement.

I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 10.20 a.m.